THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.4747 OF 1998

DATED: 09-04-2007

Between :

M/s. Stilbene Chemicals Limited, a company
Incorporated under the provisions of the Companies
Act, 1956, having its regd. Office in 7th floor,
B-Block, Surya Towers, S.P. Road, Secunderabad,
Rep. by its Managing Director Sri Anil Kumar ..... Petitioner

And

1. Andhra Pradesh State Electricity Board, Somajiguda,
   Hyderabad, rep. by its Member Secretary.,
   And 2 others. ... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.4747 OF 1998

ORDER :

This writ petition is filed questioning the Demand Notice dated 9-1-1998 issued by the respondents whereunder the petitioner was directed to pay a sum of Rs.6,20,533/- within 15 days towards the monthly minimum charges in respect of H.T. Supply to the petitioner unit.

This Court while directing Rule Nisi ordered that the petitioner's service connection shall not be disconnected subject to the condition that the petitioner deposits a sum of Rs.3,10,000/- or half of the amount demanded under the impugned notice.

As could be seen from the material on record, one of the contentions raised by the petitioner is that no opportunity was given to the petitioner before making the impugned demand. Since the said plea has not been disputed by the respondents in the counter-affidavit, I find force in the submission of the learned Counsel for the petitioner that the impugned demand being violative of the principles of natural justice is liable to be set aside on that ground alone.

Accordingly, without expressing any opinion on merits, the impugned demand dated 9-1-1998 is set aside and the writ petition is disposed of granting liberty to the petitioner to submit their objections treating the impugned demand as a show-cause notice, within a period of four weeks from the date of receipt of this order. Thereafter, the respondents shall consider the objections and pass appropriate orders

in accordance with law. Till such time, the service connection of the petitioner shall not be disconnected. While passing fresh order, the respondents shall give credit to the amounts deposited by the petitioner pursuant to the interim order of this Court.

Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 09-04-2007

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